

UNITED STATES DISTRICT COURT

SOUTHERNDISTRICT OFTEXAS

UNITED STATES OF AMERICA

V.

Robert Foster

(Name and Address of Defendant)

United States Courts
Southern District of Texas
FILED

OCT 19 2005

CRIMINAL COMPLAINT

Case Number:

H-05-826M

Michael N. Milby, Clerk of Court

UnSealed

Public and unofficial staff access
to this instrument are
prohibited by law.

I, the undersigned complainant, state that the following is true and correct to the best of my knowledge and belief. On or about September 20, 2005 in Galveston County, in the Southern District of Texas defendant(s) did,

(Track Statutory Language of Offense)

make a material claim against and upon the Federal Emergency Management Agency, an agency of the United States, for Hurricane Katrina disaster assistance, knowing that the claim was false, fictitious, and fraudulent in that his primary residence was not, as the Defendant stated in his claim, 2700 Whitney Avenue, Harvey, Acadia Parish, Louisiana

in violation of Title 18 United States Code, Section(s) 287.

I further state that I am a(n) Special Agent, Department of Homeland Security OIG and that this complaint is based on facts related in the affidavit attached hereto and made a part of this complaint.

Signature of Complainant

David J. Green

Printed Name of Complainant

Sworn to before me and signed in my presence,

October 19, 2005

Date

at Houston, Texas

City and State

Frances Stacy, U.S. Magistrate Judge

Name and Title of Judicial Officer

Frances H. Stacy

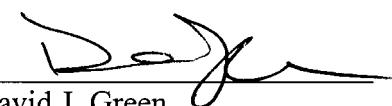
Signature of Judicial Officer

I, David J. Green, being duly sworn, hereby depose and say:

1. I am a Special Agent with the United States Department of Homeland Security (DHS), Office of Inspector General (OIG). I began my employment with the DHS OIG in June, 2004. I began my federal employment on July 23, 1995, and since 1995, I have been employed as a United States Border Patrol Agent, Department of Justice, a United States Department of Labor, Investigator, and a United States Department of Labor, OIG, Special Agent. The information contained in this affidavit is based upon my own personal observations and experience and upon statements made by witnesses and other law enforcement officers.
2. On October 6, 2005, I interviewed Ruby Litton, 1612 Bayou Homes Drive, Galveston, Texas. Litton owns and operates seven duplex units in Galveston, Texas. Litton explained that Robert Foster signed a leasing agreement and moved into one of the duplex units located at 1612 Bayou Homes Drive in Galveston on June 15, 2005, and has been continuously living at that address since then. Litton said that prior to June 15, 2005, Foster resided in a motel in Galveston, Texas. Litton said that Foster has five children from three ex-wives in Louisiana but that he has not resided in Louisiana since at least June 15, 2005, and to her knowledge has never owned property in Louisiana. Litton said that Foster applied for and received a \$2000 Federal Emergency Management Agency (FEMA) disaster recovery check after hurricane Katrina.
3. On September 20, 2005, Foster submitted FEMA form 90-69, Application/Registration for Disaster Assistance to FEMA for processing. On the form 90-69 Foster reported that his primary residence and the location of the damaged property was 2700 Whitney Avenue, Harvey, Acadia Parish, Louisiana. I searched various computer databases and determined that an apartment complex was located at 2700 Whitney Avenue, Harvey, Louisiana. Foster also claimed on the form that he evacuated to Galveston from Louisiana as a result of Katrina. Foster also claimed on the form that he lost his permanent employment because of the disaster and mandatory evacuation.
4. I discovered that based upon Foster's FEMA application a check was sent to Foster on or about September 21, 2005, for \$2000.
5. On October 5, 2005, records indicated that Foster appeared before a bank teller at Hometown Bank, 1801 45th Street, Galveston, Texas, and presented a United States Treasury check (check) that displayed check number 222123403733 and was notated as "DISASTER ASSISTANCE" in the lower left hand corner. The check was written to Robert Foster, 1614 Bayou Homes Drive, Galveston, Texas, 77551 and totaled \$2000. The bank records indicate that Foster obtained a \$700 money order and received \$1300 cash as a result of the transaction.

6. Based on the totality of the foregoing facts and circumstances, I believe that evidence of a violation of Title 18, USC Section 287 exists and there is probable cause for the issuance of an arrest warrant for Robert Foster.

Further this affiant sayeth not.



David J. Green
Special Agent
Department of Homeland Security

Subscribed and Sworn to before me this 19th day of October, 2005, and I find probable cause.



Frances H. Stacy
HONORABLE FRANCES H. STACY
United States Magistrate Judge